



BOARD OF SELECTMEN

CALENDAR

FOR

TUESDAY, FEBRUARY 2, 2016

SELECTMEN'S HEARING ROOM

- Neil Wishinsky-
Chairman
- Nancy A. Daly
- Benjamin J. Franco
- Nancy S. Heller
- Bernard W. Greene
- Melvin A. Kleckner –
Town Administrator

1. **PROPOSED EXECUTIVE SESSION**
LITIGATION

5:30 P.M. Hunan Resources Director Sandra DeBow will appear to discuss strategies relative to pending litigation.

2. **PROPOSED EXECUTIVE SESSION**
LITIGATION

Executive Session for the purposes of discussing strategy with respect to litigation in the matter of "Gerald Alston v. the Town of Brookline, et al."

3. **SELECTMEN ANNOUNCEMENTS/UPDATES**

7:00 P.M. Selectmen to announce recent and/or upcoming events of community interest and report on activities related to carrying out the responsibilities of the Board.

4. **PUBLIC COMMENT**

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

Public Comment Guidelines, adopted by the Board in May 2007, and amended May 14, 2013, are that (1) up to 15 minutes at the beginning of each meeting may be open to the public for public comment. (2) Each speaker is limited to 3 minutes for comment. (3) Each speaker may comment once every four meetings on a different topic. (4) Members of the Board will not comment or respond, unless there is a question of clarification. (5) Speakers must notify the Selectmen's Office (617)730-2211 by Friday to sign up for the next Tuesday's meeting so that we can schedule time.

5. **MISCELLANEOUS**

Approval of miscellaneous items, licenses, vouchers, and contracts.

- A. Question of approving the minutes of January 26, 2016.
- B. Question of amending the Policy on Public Comment at Selectmen's Meetings.
- C. Question of authorizing the Chairman to execute Letters of Intent with Blue Wave Capital in connection with solar installations on municipal properties.
- D. Question of accepting a Rebate in the amount of \$3,850.00 from NStar Electric/Eversource Energy in connection with energy efficient programs.
- E. Question of approving Change Order #4 in the amount of \$505.00 for work to be completed by Life Safety Improvements in connection with Fire Stations #5 and #6 Life Safety Improvements Project.
- F. Question of approving Amendment #12 in the amount of \$28,600 for work to be completed by HMFH Architects in connection with the Edward Devotion School Renovation Project.
- G. Question of appointing the Edward Devotion School Trade Contractor Prequalification Committee.
- H. Question of approving proprietary items for the Edward Devotion School Project.
- I. Question of approving and executing a Contract Amendment #1 in the amount of \$14,750 with HKT Architects in connection with the Municipal Service Center.

6. **CALENDAR**

Review and potential vote on Calendar Items

7. **INCIDENT UPDATE**

Police Chief Daniel O'Leary will brief the Board on the shooting/stabbing incident that occurred on Wednesday January 27th.

8. **BOARD AND COMMISSION INTERVIEW**

Robert Heist candidate for appointment to the Commission for the Disabled will appear for interview.

9. **SNOW/ICE DEFICIT**

Question of invoking Massachusetts General Law Chapter 44, Section 31D to allow the Department of Public Works

to expend funds in excess of the FY2016 Budget appropriation for Snow and Ice Control.

10. PAY AS YOU THROW UPDATE

Interim update on the Town Administrator's Task Force on Pay As You Through (PAYT).

a. Question of authorizing the Public Works Commissioner to acquire Automated Sanitation Equipment.

11. 1180 BOYLSTON STREET

8:00 P.M. Public Hearing on the application of Chestnut Hill Investments, LLC for a 40B Project at 1180 Boylston Street

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12. BOARDS AND COMMISSIONS - APPOINTMENTS

Question of making appointments/reappointments to the following Boards and Commissions:

Commission for the Disabled
Preservation Commission
River Road Study Committee
Women's Commission

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Robert Sneirson, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at rsneirson@brooklinema.gov



MINUTES

BOARD OF SELECTMEN

IN BOARD OF SELECTMEN TUESDAY, JANUARY 26, 2016 6th FLOOR HEARING ROOM

Present: Selectman Neil Wishinsky, Selectman Nancy Daly,
Selectman Benjamin J. Franco, Selectman Nancy S.
Heller, Selectman Bernard W. Greene

PROPOSED EXECUTIVE SESSION /LITIGATION

Executive Session for the purpose of discussing strategy with respect to litigation in the matter of "Gerald Alston v. the Town of Brookline, et al.

EXECUTIVE SESSION

In Open Session- the Chair must state the purpose for Executive Session, stating all subjects that may be revealed without compromising the purpose for which the Executive Session was called.

The Chair then stated the reason(s) for the Executive Session:

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

On motion it was,

Voted to enter into Executive Session:

Roll call:

Aye: Wishinsky, Daly, Franco, Heller, Greene

SELECTMEN ANNOUNCEMENTS/UPDATES

Selectmen to announce recent and/or upcoming events of community interest and report on activities related to carrying out the responsibilities of the Board.

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The Massachusetts Municipal Association held a conference last week; it was very informative and held several workshops, trade shows, and speaking events.

There was a joint meeting addressing a 9th school option. To date there are no clear options, and it has proved to be a difficult task. There is support in South Brookline for school in that location.

The Teen Center held a successful fundraiser to support the High School's student trip 'Sojourn to the Past'. This trip will take the students to the south on a historic and reflective journey. This is an incredible learning experience for the students.

STATUS UPDATE ON POLICE OFFICER ALLEGATIONS OF DISCRIMINATION

Selectman Wishinsky read the following statement:

I would like to address the issue of Brookline Police Officers Pilot and Zerai-Misgun. The debate that has arisen around this subject has been painful for all involved in our town; I am sure most of all for the officers.

I would like to clarify a few points. First, we care very much about Officers Pilot and Zerai-Misgun, and perhaps this has not been well communicated. We care about their safety. We care about their dignity and want them to receive the respect they deserve at all times. They clearly do not feel that they have been listened to and we want to address it.

In order to work toward resolution and healing, to find a path forward with them, we must begin by hearing them. We need to understand in full their experience. This was our thinking when we offered mediation. I understand that they have rejected mediation and have instead joined the lawsuit that was filed in federal court. We still hope to talk to them, and believe that any progress begins there.

We are in the process of working on alternative approaches that we hope will address their concerns and create a path forward. More to come.

We understand that additional plaintiffs have also been added to the lawsuit and we are in the process of reviewing their claims.

At the same time, the independent investigation of the Officers' complaints that is being conducted by Reginald Nunnally is continuing, and will go wherever the evidence takes it. I encourage anyone who is contacted by Mr. Nunnally to fully cooperate with this investigation.

We will keep you informed of progress.

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PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

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MISCELLANEOUS

Question of approving the minutes of January 19, 2016.

On motion it was,

Voted to approve the minutes of January 19, 2016 as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

DONATION

Question of accepting a donation in the amount of \$500.00 from the Korean Church of Boston to be used for Community Policing Activities.

Chief O'Leary stated this generous donation has been made over the last several years, and is used towards community events.

The Board acknowledged the Korean Church of Boston for their continued support.

On motion it was,

Voted to accept a donation in the amount of \$500.00 from the Korean Church of Boston to be used for Community Policing Activities.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

GRANT

Question of accepting a grant in the amount of \$9,985.08 from the Executive Office of Public Safety and Security's Highway Safety Division as part of the FFY2016 Underage Alcohol Enforcement Grant Program.

Chief O'Leary stated that this grant is used to curtail underage alcohol use. It provides increased patrols to monitor loud parties on Friday and Saturday nights near the universities. The funds are also used to run compliance checks on liquor stores and restaurants.

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On motion it was,

Voted to accept a grant in the amount of \$9,985.08 from the Executive Office of Public Safety and Security's Highway Safety Division as part of the FFY2016 Underage Alcohol Enforcement Grant Program.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

GRANT

Question of accepting a grant from the Executive Office of Public Safety and Security's Highway Safety Division in the amount of \$2,000 in connection with the FFY2016 Child Passenger Safety Equipment Grant Program.

Chief O'Leary stated that Brookline is the only community that provides child seat safety checks by police officers. If a car seat is found to be unsafe or outdated the department provides a new child car seat to residents that can't afford them; these funds assist in that.

On motion it was,

Voted to accept a grant from the Executive Office of Public Safety and Security's Highway Safety Division in the amount of \$2,000 in connection with the FFY2016 Child Passenger Safety Equipment Grant Program.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

ALTERNATE MANAGERS

Question of approving the application of New England Access, Inc. d/b/a NETA, Amanda Rositano, Manager holder of a Registered Marijuana Dispensary at 160 Washington Street for the appointment of the following candidates as Alternate Managers

Brittany B. Cooper
Melanie W. Nash

Chairman Wishinsky noted that the Police Department has indicated there is no reason to deny the application, the paperwork is in order.

On motion it was,

Voted to approve the application of New England Access, Inc. d/b/a NETA, Amanda Rositano, Manager holder of a Registered Marijuana Dispensary at 160 Washington Street for the appointment of the following candidates as Alternate Managers

Brittany B. Cooper
Melanie W. Nash

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Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

TEMPORARY LIQUOR LICENSES

Question of granting the following temporary liquor licenses to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:

Wine/Malt

Annual Museum Party
January 30, 2016
5:30pm-11:00pm

Dancing with the Cars

February 12, 2016
6:00pm-11:00pm

All Kinds Alcohol

Wedding Reception
February 20, 2016
4:30pm-10:30pm

On motion it was,

Voted to grant the following temporary liquor licenses to Larz Anderson Auto Museum in connection with the following events to be held at 15 Newton Street:

Wine/Malt

Annual Museum Party
January 30, 2016
5:30pm-11:00pm

Dancing with the Cars

February 12, 2016
6:00pm-11:00pm

All Kinds Alcohol

Wedding Reception
February 20, 2016
4:30pm-10:30pm

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

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TEMPORARY WINE AND MALT BEVERAGES LICENSE

Question of granting a temporary Wine and Malt beverages license to Vine Ripe Grill in connection with the following events to be held at 1281 West Roxbury Parkway:

January 30, 2016
Music Night
3:30pm-6pm

February 11, 2016
Panel Discussion
5:30pm-7:30pm

February 29, 2016
Meeting
6:00pm - 10:00pm

On motion it was,

Voted to grant a temporary Wine and Malt beverages license to Vine Ripe Grill in connection with the following events to be held at 1281 West Roxbury Parkway:

January 30, 2016
Music Night
3:30pm-6pm

February 11, 2016
Panel Discussion
5:30pm-7:30pm

February 29, 2016
Meeting
6:00pm - 10:00pm

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

RESERVE FUND TRANSFER

Question of approving and transmitting to the Advisory Committee the request of Town Counsel Joslin Murphy for a Reserve Fund Transfer in the amount of \$165,000 for the following accounts:

\$45,000 Litigation

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\$120,000 General Counsel

Town Counsel Joslin Murphy requested approval for this transfer in efforts to cover cost related to a number of legal matters in litigation, one involving the utility companies in relation to town assessments. Other cases are either in motion of trial stages; this includes the Town of Brookline v. Residences of South Brookline. Attorney Murphy also pointed out an error in the supporting documents on page 2 relating to the cost.

On motion it was,

Voted to approve and transmit to the Advisory Committee the request of Town Counsel Joslin Murphy for a Reserve Fund Transfer in the amount of \$165,000 for the following accounts:

\$45,000 Litigation
\$120,000 General Counsel

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

RESERVE FUND TRANSFER

Question of approving and transmitting to the Advisory Committee the request of Human Resources Director Sandra DeBow for a Reserve Fund Transfer in the amount of \$200,000.

Human Resources Director Sandra Debow stated that this relates to outside Labor and Employment Counsel through the end of FY2016, and is in large part due to the costs of litigation for two employees, one has settled and the other is starting the discovery stage. There are also an atypical number of arbitrations. On a good note, she also noted that the cost of unfair labor practices filed with AFSCME has decreased, but they will be at the bargaining table with all the unions.

Selectman Franco stated that he is glad to see that steps are being taken to work diligently with Town Counsel and the Assistant Town Administrator in efforts to reduce and budget their litigation costs as well as improving relationships with the Unions.

On motion it was,

Voted to approve and transmit to the Advisory Committee the request of Human Resources Director Sandra DeBow for a Reserve Fund Transfer in the amount of \$200,000.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

RESOLUTION

Question of adopting a Resolution honoring Preservation Planner Greer Hardwicke for her 30+years of dedicated service.

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Chairman Wishinsky stated that it has been a pleasure to work with Dr. Hardwicke over the years. She has been instrumental in creating historic and neighborhood conservation districts, and is leaving quite a legacy.

The Board noted her impressive and vast knowledge on historic Brookline, and she conveys it in an engaging way. The Board wished her a happy and healthy retirement. The resolution will be presented to Dr. Hardwicke at her farewell event.

On motion it was,

Voted to adopt a Resolution honoring Preservation Planner Greer Hardwicke for her 30+years of dedicated service

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

BAA MARATHON SPECIAL PERMIT

Douglas Flannery of the BAA appeared to request a Special Use Permit for the running of the 2016 Boston Marathon scheduled for April 18, 2016.

Mr. Flannery from the BAA stated that this year's Boston Marathon event has not changed much. In recent years there has been tightened security, which will remain as presented in the 2015 marathon. Mr. Flannery outlined the race times and road closings and reopening. The water and medical stations will be positioned at three locations in Brookline. The BAA appreciates the support of the Brookline Police and Public Works Departments in efforts to a conduct successful marathon in a safe and controlled manner.

Selectman Daly stated that she is not happy with the restrictive crossing of Beacon Street during the marathon and was told that this is under the purview of the Brookline Police Department. She feels this not only poses difficulties for the pedestrians, but is a danger to the spectators because in essence they are penned into an area should there be an emergency event.

Mr. Flannery replied that they have considered requesting that the route be opened up a bit more but, with recent events in Paris and San Bernardino, they are concerned with security.

Chief O'Leary replied that this has been discussed each year, and after review they have opted to keep the barricades as they are. The event now has over 30k runners, plus with the red sox game getting out the only place to cross the road would be in Brookline because all the other communities along the route have the barricades in place; any opening would bring an influx that would need to be controlled. Brookline has in place three designated crossing areas, and it is a well-known event; people know the roads will be closed for a number of hours during that day.

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Selectman Daly suggested using a lighter material for the barricades that would offer easier maneuvering if needed.

Selectman Franco thanked Mr. Flaherty and the BAA for partnering with Team Brookline in efforts to raise funds for local charities. This has been a very successful fundraiser for those organizations.

Town Administrator Kleckner added that the event does have a mechanism similar to Disney properties that shift the runners in certain locations allowing for pedestrian crossing at certain times.

On motion it was,

Voted to approve the request for a Special Use Permit for the running of the 2016 Boston Marathon scheduled for April 18, 2016.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

AUDIT REPORT

Richard Sullivan of Powers and Sullivan and members of the Audit Committee will appear to present the 2015 Audit Report.

Selectman Daly, Chair of the Audit Committee thanked the members of the committee, and finance staff. She reviewed the process and timeline of the audit which starts at the end of the fiscal year with the gathering of materials and the audit starts in the fall. Selectman Daly was pleased to announce that again, this was another successful and clean audit.

Craig Peacock from Powers and Sullivan add that the staff is always cooperative and has all the documents readily available making it easier on their end to perform the audit in a timely manner.

Management letter review:

The following comments were resolved during the current fiscal year.

- Audit of Student Activity Funds
- Accrued Sick and Vacation Time
- General Ledger Maintenance
- School Department Revolving Funds

Mr. Peacock gave a brief update on the audit process and their findings. (reports attached)

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The Board discussed OPEB funding. Mr. Peacock stated that Brookline is currently ahead of other communities in their efforts to fund this account. Brookline continues to be proactive and on track.

In closing Mr. Peacock stated that this was a good clean audit with no significant deficiencies.

Selectman Heller added that it is rarely noted how well managed the town finances are, and the town is doing a great job in terms of municipal finance.

Selectman Daly took a minute to acknowledge Finance Director Steve Cirillo who will be retiring; he is leaving behind a wonderful legacy.

BOARDS AND COMMISSIONS - INTERVIEWS

The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

Bottled Water Study Committee

John Harris is the petitioner of a warrant article relating to bottled water. He believes this issue should be thoroughly examined and debated to examine all the implications of bottled water. He has followed the work of the Center for Science in the Public Interest, a group that monitors the food and beverage industry. He is concerned with the chemicals involved in the plastic bottles, and feels that people should not be paying for something that is free from the tap.

Preservation Commission

David Jack is a new applicant and is an architectural designer. Recently he has been working with his neighbors in efforts to preserve a property on Crowninshield Road by preparing historical research and documenting its architectural significance. He is interested in educating homeowners on implementing a design and renovation plan that that would reflect the character of the neighborhood.

Richard Panciera is a new applicant and recent resident and an architect. He has been involved with historic preservation and adaptive reuse projects. Mr. Panciera has worked on numerous historical projects in both public and private properties, and has experience working with local historic agencies and their guidelines.

The Board noted that he may be a good fit for the Zoning Board of Appeals; they are looking for an architect to serve on that Board.

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Commission for Disabled

Henry Winkleman is a new applicant. He has worked at Clarks Companies as a Real Estate & Construction Coordinator. In 1996 he suffered a severe head injury and has since become an advocate for people with disabilities and seniors. Mr. Winkleman is a member of Brookline's Age Friendly Community Committee.

OPEN AIR PARKING LICENSE

Continued Public Hearing on the application of Elizabeth Rodriguez for a license to conduct and maintain an Open-Air Parking lot with an area of 5,245 feet at 31 Boylston Street for two (2) automobiles (lower level) for overnight parking.

Applicant Elizabeth Rodriguez is requesting an open air parking license. She operates a daycare at this location with designated parking spaces, and is having trouble with neighbors continually parking there overnight and not vacating the spot by the morning.

Chairman Wishinsky noted that the required approvals have been submitted as well as review by Town Counsel. There are no objections to the application.

Public hearing: no speakers

On motion it was,

Voted to approve the application of Elizabeth Rodriguez for a license to conduct and maintain an Open-Air Parking lot with an area of 5,245 feet at 31 Boylston Street for two (2) automobiles (lower level) for overnight parking.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

FY2017 BUDGET OBJECTIVES

Further review and vote on the Selectmen's FY2017 Budget Objectives.

Assistant Town Administrator Austin Faison reviewed the revised budget objectives, and incorporated some of the Selectmen's recommendations from last week's meeting.

Selectman Heller addressed the gas leaks investigation and noted that a class action suit is undergoing a delay and National Grid would like to come in and access Brookline's trees.

Selectman Greene addressed Waldstein Playground and the recent dismantling of the basketball court. He would like to see recreational opportunities geared toward all the youth of Brookline, and has been told that the availability and access to basketball courts are not

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what it should be in Brookline. These limitations could be seen as racial overtones.

Mr. Faison replied that this is not specifically addressed in the budget objectives, but he will reach out to the Recreation Director with this concern.

On motion it was,

Voted to approve the Selectmen's FY2017 Budget Objectives with the revision of changing "Age Friendly Cities", to "Age Friendly Community" as noted by Selectman Daly.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

ANNUAL TOWN ELECTION

Pursuant to M.G.L., c41, Section 10 and M.G.L., Chapter 43A, Section 5 the following vacancies have occurred and the Town Clerk is hereby directed to place on the ballot for the May 3, 2016 Annual Town Election the following offices:

One Town Meeting Member - Two Year Term
(Precinct 5 and 11)

One Town Meeting Member - One Year Term
(Precincts 5, 6 7, 8,10,12 and 14)

On motion it was,

Voted Pursuant to M.G.L., c41, Section 10 and M.G.L., Chapter 43A, Section 5 the following vacancies have occurred and the Town Clerk is hereby directed to place on the ballot for the May 3, 2016 Annual Town Election the following offices:

One Town Meeting Member - Two Year Term
(Precinct 5 and 11)

One Town Meeting Member - One Year Term
(Precincts 5, 6 7, 8,10,12 and 14)

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

There being no further business, the Chair adjourned the meeting at 9:05 pm.

ATTEST



**OFFICE OF SELECTMEN
MEMORANDUM**

TO: Each Member of the Board

FROM: Melvin A. Kleckner, Town Administrator

RE: Amendment of Public Comment Policy

DATE: January 29, 2016

I was asked to review the Board of Selectmen's policy on allowing public commentary at its weekly Selectmen's meeting. The basis of this request is to make the policy more flexible to address important or timely issues in the community. Currently, the Board's policy requires persons wishing to speak to sign up in advance (by the preceding Friday). I have proposed changes to the policy that are modeled after the School Committee's policy, which does not require advance registration. Please find attached a draft of a modified policy.

DRAFT

Board of Selectmen's Policy on Public Comment at Weekly Selectmen's Meetings

Meetings of the Board of Selectmen are conducted in accordance with the Massachusetts Open Meeting Law, G.L. c. 30, s. 18. The Board of Selectmen believes that the public should have an opportunity to comment on issues that affect the Town and are within the scope of the Board's responsibilities. Therefore the Board of Selectmen shall set aside a period of time at each Selectmen's meeting to hear from the public which shall be referred to as Public Comment.

Public Comment is not intended to be a discussion, debate, or dialogue between or among citizens and the Selectmen. Rather, it is intended to offer citizens an opportunity to express their opinion on issues of Board of Selectmen business. While the Board and/or administrators will not typically respond to citizen comments or questions posed at Public Comment, the Chair, as presiding officer of the meeting, may answer or request an answer to a question if s/he deems it expeditious. Further, should the Chair believe that an issue or question falls outside the purview of the Board of Selectmen s/he may request that citizens direct it to the appropriate person or body so that the matter is given proper consideration.

The following process will govern Public Comment at the Board of Selectmen meetings.

Public Comment:

The Board of Selectmen will schedule a 15-minute Public Comment period within the beginning portion of each Selectmen's meeting according to the following guidelines:

1. A sign-up sheet will be available as people enter the meeting, and people will speak in the order in which they sign up, unless more than one person wishes to speak on a single topic, in which case the Chair may call on them together.
2. Any person wishing to speak must identify him or herself and the specific topic for wishing to speak. The Chair will favor, in no particular order, those speakers who are Brookline residents.
3. There will be a time limit of up to 5 minutes per person, which will be enforced by the Chair of the meeting. If the number of people wishing to speak exceeds 3, the Chair may, at his/her discretion, limit individual comments to no more than 3 minutes per person.
4. If the Board of Selectmen believes that an issue requires more time, they may schedule an extension of the 15-minute Public Comment period after all other scheduled business of the Board concludes. In addition, the Board may schedule a separate public hearing on that issue.

- 5. Discussion of individual personnel issues will be prohibited.**
- 7. Individual participation in Public Comment shall be limited to once every four meetings on a different topic.**
- 8. Votes by the Board of Selectmen will not be taken during Public Comment.**
- 9. Responses to concerns will be made only by the Chair of the meeting, or other members, at the Chair's discretion.**
- 10. On those issues that can be resolved by directing citizens to the appropriate staff, the Chair will advise the citizen of appropriate steps to take.**
- 11. The Chair of the meeting may terminate any individual's privilege of address for inappropriate conduct or statement.**



Town of Brookline

Massachusetts

**Department of Planning and
Community Development**

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445
(617) 730-2130 Fax (617) 730-2442
ASteinfeld@brooklinema.gov

Alison C. Steinfeld
Director

TO: Board of Selectmen
FROM: Lara Curtis Hayes, Senior Planner
DATE: January 26, 2016
RE: Letters of Intent for Municipal Solar Sites

Since 2012, a coalition of staff from several departments, including the Department of Planning and Community Development, the Selectmen's Office, and Town Counsel, has been working to install solar photovoltaic (PV) facilities on municipal properties where appropriate. This could include both rooftop installations, such as those already on the Health Building and Putterham Library, as well as ground-mounted or carport systems.

In 2012, the Town joined the Metropolitan Area Planning Council's (MAPC's) regional procurement to select a solar installer for participating municipalities. Issues with the procurement as well as legislative delays have prolonged the solar development process, but Town staff and Blue Wave Capital, the selected solar installer, have identified appropriate municipal sites for solar development. Letters of Intent should be signed by both parties to indicate a commitment to moving forward. The Town's consultant Cadmus continues to provide advice through this process.

Attached are two letters of intent (LOI) already signed by Blue Wave Capital. LOIs indicate a level of commitment to pursue development of the listed solar projects, but they also allow for both parties to withdraw if needed. There are two LOIs because Brookline's solar projects can be divided into two separate groups: one identifying projects that are ready to move forward quickly, and another listing those projects that have a longer timeline due to other factors, such as the construction of Devotion School. Both LOIs have been reviewed by Town Counsel. **I am respectfully requesting that the Board of Selectmen officially endorse both LOIs to enable Town staff to continue working with Blue Wave Capital to develop solar on municipal properties.**

Following the LOIs, the Board of Selectmen will be asked to authorize a Net Metering Credit Purchase Agreement (NMCPA), a contract in which the Town agrees to purchase the net metering credits generated by the solar facilities. Town staff has already begun reviewing the draft NMCPA, which is

also being reviewed by the MAPC and Cadmus. The team hopes to have a finalized NMCPA for the Selectmen's review sometime this spring.

The latest presentation from Blue Wave Capital describing the list of proposed solar sites is also attached to this memo. There are currently eight sites under consideration: the Transfer Station; Runkle School; Pool Building; Main Library; Fire Station #5; Soule Gym; Devotion School; and Brookline High School. Devotion School and Brookline High School are represented in a separate LOI because they have a delayed timeline or may undergo significant construction. We have reviewed the proposed sites with the Building Department, Recreation Director, Board of Library Trustees, and the School Committee's Capital Subcommittee, all of whom expressed support for this initiative. We will keep these user groups informed as plans become more developed.

Finally, prior to any solar development on a school building, the School Committee will need to approve the proposal. Blue Wave Capital has presented the list of sites to the School Committee's Capital Subcommittee, but the full Committee has not yet voted to approve any projects.

Should you have any questions, please do not hesitate to contact me.

Attachment:

Blue Wave Capital Presentation, 12/8/2015

B L U E W A V E
CAPITAL

January 7, 2015

Melvin Kleckner
Town Administrator
Town of Brookline
333 Washington Street
Brookline, Massachusetts 02445

RE: Letter of Intent (LOI) MAPC Regional Solar Initiative, Brookline, Massachusetts

Dear Mr. Kleckner:

This Letter of Intent ("LOI") sets forth the principal business terms of an agreement between BlueWave Capital, LLC, and its financing partners ("Provider") and the Town of Brookline ("Purchaser"), collectively the "Parties", for the purchase of Net Metering Credits to be generated by solar energy facilities located on the Purchaser's property and owned by the Provider. This LOI is intended to form the framework for the mutual agreement between the Parties and is expected to result in a definitive Solar Power Services Agreement ("SPSA") setting forth certain mutual undertakings for the purchase of Net Metering Credits.

At no cost to the Purchaser we propose to design, install, operate, maintain and privately finance two Solar Energy Facilities with a combined capacity of 490 kW dc. The Provider proposes to sell net metering credits generated by the Solar Energy Facility(s) to the Purchaser and thereby substantially reduce electricity costs, which is estimated to generate a total savings of \$1,479,079 over the course of the SPSA based on current incentive programs.¹

The SPSA will contain detailed terms, conditions and covenants governing the subject transaction satisfactory to both parties and is subject to the final Solar Energy Facility Design requirements and Engineering verification.

1. **Solar Energy Facility Defined.** A solar photovoltaic plant, together with inverters, ancillary plant and equipment (collectively, the "Facility") to be constructed, owned, operated, maintained and removed by Provider, located on the Purchaser's property located at:
 - a. Brookline High School, 115 Greenough Street, Brookline, MA
 - b. Devotion School, 345 Harvard Street, Brookline MA
2. **Contract Quantity.** Purchaser shall be obligated to purchase all the Net Metered Credits generated from the Facility during the term of Agreement.

¹ Savings, estimated using current and anticipated electric costs and proposed Net Metering Credit Purchase Agreement rates, are subject to final engineering and design and are contingent on realized energy costs. Should this estimated savings, after final engineering and design, differ significantly from this figure, Purchaser shall have the option to cancel this agreement with no penalties, fees or costs assessed to it.

3. **Estimated Annual Net Meter Production.** The first year total kWh production for all of the Facilities combined 598,730.²
4. **Net Metering Credit Purchase Agreement Term.** 20 years commencing on the Commercial Operation Date of the Facility (the "Term").
5. **Distribution Utility.** Eversource
6. **Price.** Year one price of per kWh for Net Metering Credits delivered (the "Price"). The Net Metering Credit purchase price will have an annual escalation rate of 0%.³
 - a. Brookline High School: \$0.0950 per NMC
 - b. Devotion School: \$0.0950 per NMC
7. **Environmental and Financial Attributes.** Provider, shall retain all rights and ownership to all financial rebates and incentives such as investment tax credits, SRECS, accelerated depreciation and any other financial incentives related to the Facility and its operation.
8. **Cooperation.** To ensure the success of the Transaction and the mutual benefit of the Parties, Purchaser and Provider agree to cooperate in sharing all reasonable data, discussions, reports, terms and any other material information related to the Transaction in a timely manner.
9. **Project Milestones.** Once a SPSA is fully-executed, the Provider shall achieve the following project milestones, subject to adjustments for force majeure events which prevent the fulfillment of the project milestones, and factors reasonably outside of the control of the parties (long permitting cycles or utility interconnection delays). **Exhibit A, attached, provides the anticipated milestones for each facility type included in the LOI.** The Provider commits to:
 - a. File an Interconnection Application within 45 days.
 - b. File application for any permits required within 90 days for rooftop, carport, and groundmount facilities. For permits required to construct on a brownfield, including remediated landfills, file application within 180 days.
 - c. Achieve Commercial Operation within the following timelines and under the following conditions:
 - i. 213 days for rooftop facilities,

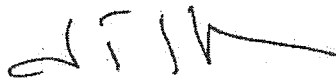
² First year KWH production estimate is subject to final engineering and design. Should the estimated first year KWH, after final engineering and design, differ significantly from this estimate, Purchaser shall have the option to cancel this agreement with no penalties, fees or costs assessed to it.

³ The year one price is subject to final engineering and design.

- ii. 305 days for carport facilities, and
 - iii. 487 days for groundmount facilities.
10. **Early Termination.** The Purchaser may terminate this agreement if there is a material adverse change in the Provider's financial condition that prevents the Provider from meeting its obligations under the LOI or if the Provider fails to meet its obligations or perform according to the provisions of this LOI. If the Purchaser elects to exercise such termination right, the Purchaser shall promptly provide at least sixty days' written notice of termination to the Provider, provided that the LOI shall not terminate if, prior to the expiration of such notice period, the Provider has cured the material adverse change or has met the milestone.
11. **Force Majeure.** If a force majeure event occurs that affects the Provider's performance of its obligations and continues for 180 days or more, then Purchaser may terminate the Agreement upon 30 days' prior written notice to Provider. If at the end of such 30 day period such force majeure event continues, the Agreement shall automatically terminate. Neither Party shall have liability to the other (other than Provider's obligation to remove the Solar Energy Facility and any liabilities that accrued prior to such termination).
12. **Miscellaneous.** The SPSA shall contain other usual and customary provisions for power purchase and sale agreements, including representation and warranties, default, indemnity, limitation of liability and exclusion of consequential damages, invoicing and payment disputes, audit rights, confidentiality, insurance, cooperation, governing law, assignment and other miscellaneous terms.

This Term Sheet sets forth certain key terms and conditions of an SPSA. Should additional key issues arise, it is anticipated that those issues shall be coordinated into a mutually acceptable agreement and incorporated into the Providers SPSA form. No legally binding obligations shall arise and no Party shall be liable for any costs of the other unless and until a final SPSA and related documents have been duly executed and delivered by both parties.

Sincerely,



John P. DeVillars
Managing Principal
BlueWave Capital, LLC.

Agreed and accepted.

Signature: _____

Name: _____

Title: _____

Date: _____

Exhibit A: Critical Project Milestone Schedule (End-dates)

Item	Rooftop	Carport	Groundmount
LOI – Term Sheet Agreed	-		
Final Agreement Signed (SPSA, Groundlease)	+2 weeks ^A		
File Interconnection Application	+45 days ^A		
File Application for Permits	+90 days ^{A, B, C}		
Notice to Proceed (Begin Construction)	+5 Months ^{A, C}	+ 7 Months ^{A, C}	+ 13 Months ^{A, C}
Commercial Operation Date	+7 Months ^{A, C}	+10 Months ^{A, C}	+ 16 Months ^{A, C}

^A Contingent on execution of LOI and Final SPSA and Groundlease, as specified. ^B BWC commits to submit applications for permits for brownfields within 180 days of LOI execution. ^C Notice to proceed, construction start and commercial operation dates are dependent on receipt of the Interconnection Service Agreement(s), and Permits and Approvals required for the construction and operation of the facility(s).

B L U E W A V E
CAPITAL

January 7, 2015

Melvin Kleckner
Town Administrator
Town of Brookline
333 Washington Street
Brookline, Massachusetts 02445

RE: Letter of Intent (LOI) MAPC Regional Solar Initiative, Brookline, Massachusetts

Dear Mr. Kleckner:

This Letter of Intent ("LOI") sets forth the principal business terms of an agreement between BlueWave Capital, LLC, and its financing partners ("Provider") and the Town of Brookline ("Purchaser"), collectively the "Parties", for the purchase of Net Metering Credits to be generated by solar energy facilities located on the Purchaser's property and owned by the Provider. This LOI is intended to form the framework for the mutual agreement between the Parties and is expected to result in a definitive Solar Power Services Agreement ("SPSA") setting forth certain mutual undertakings for the purchase of Net Metering Credits.

At no cost to the Purchaser we propose to design, install, operate, maintain and privately finance six Solar Energy Facilities with a combined capacity of 1,552 kW dc. The Provider proposes to sell net metering credits generated by the Solar Energy Facility(s) to the Purchaser and thereby substantially reduce electricity costs, which is estimated to generate a total savings of \$3,181,328 over the course of the SPSA.¹

The SPSA will contain detailed terms, conditions and covenants governing the subject transaction satisfactory to both parties and is subject to the final Solar Energy Facility Design requirements and Engineering verification.

1. **Solar Energy Facility Defined.** A solar photovoltaic plant, together with inverters, ancillary plant and equipment (collectively, the "Facility") to be constructed, owned, operated, maintained and removed by Provider, located on the Purchaser's property located at:
 - a. Soule Gym, 652 Hammond Street, Brookline, MA
 - b. Runkle School, 50 Druce Street, Brookline, MA
 - c. Tappan Street Swimming Pool, 66 Tappan Street, Brookline, MA
 - d. Brookline Library, 361 Washington Street, Brookline, MA

¹ Savings, estimated using current and anticipated electric costs and proposed Net Metering Credit Purchase Agreement rates, are subject to final engineering and design and are contingent on realized energy costs. Should this estimated savings, after final engineering and design, differ significantly from this figure, Purchaser shall have the option to cancel this agreement with no penalties, fees or costs assessed to it.

- e. Fire Station #5, 49 Babcock Street, Brookline, MA
- f. Brookline Transfer Station, 813 Newton Street, Brookline, MA
- 2. **Contract Quantity.** Purchaser shall be obligated to purchase all the Net Metered Credits generated from the Facility during the term of Agreement.
- 3. **Estimated Annual Net Meter Production.** The first year total kWh production for all of the Facilities combined 1,846,916.²
- 4. **Net Metering Credit Purchase Agreement Term.** 20 years commencing on the Commercial Operation Date of the Facility (the "Term").
- 5. **Distribution Utility.** Eversource
- 6. **Price.** Year one price of per kWh for Net Metering Credits delivered (the "Price"). The Net Metering Credit purchase price will have an annual escalation rate of 0%.³
 - a. Soule Gym: \$0.1700 per NMC
 - b. Runkle School: \$0.0950 per NMC
 - c. Tappan Street Swimming Pool: \$0.1450 per NMC
 - d. Brookline Library: \$0.1450 per NMC
 - e. Fire Station #5: \$0.1700 per NMC
 - f. Brookline Transfer Station: \$0.1350 per NMC
- 7. **Environmental and Financial Attributes.** Provider, shall retain all rights and ownership to all financial rebates and incentives such as investment tax credits, SRECS, accelerated depreciation and any other financial incentives related to the Facility and its operation.
- 8. **Cooperation.** To ensure the success of the Transaction and the mutual benefit of the Parties, Purchaser and Provider agree to cooperate in sharing all reasonable data, discussions, reports, terms and any other material information related to the Transaction in a timely manner.
- 9. **Project Milestones.** Once a SPSA is fully-executed, the Provider shall achieve the following project milestones, subject to adjustments for force majeure events which prevent

² First year KWH production estimate is subject to final engineering and design. Should the estimated first year KWH, after final engineering and design, differ significantly from this estimate, Purchaser shall have the option to cancel this agreement with no penalties, fees or costs assessed to it.

³ The year one price is subject to final engineering and design.

the fulfillment of the project milestones, and factors reasonably outside of the control of the parties (long permitting cycles or utility interconnection delays). **Exhibit A, attached, provides the anticipated milestones for each facility type included in the LOI.** The Provider commits to:

- a. File an Interconnection Application within 45 days.
 - b. File application for any permits required within 90 days for rooftop, carport, and groundmount facilities. For permits required to construct on a brownfield, including remediated landfills, file application within 180 days. (This LOI concerns only rooftop and carport facilities – i.e. the Brookline Transfer Station is a carport facility and the remaining sites are rooftop facilities.)
 - c. Achieve Commercial Operation within the following timelines and under the following conditions:
 - i. 213 days for rooftop facilities,
 - ii. 305 days for carport facilities, and
 - iii. 487 days for groundmount facilities.
10. **Early Termination.** The Purchaser may terminate this agreement if there is a material adverse change in the Provider's financial condition that prevents the Provider from meeting its obligations under the LOI or if the Provider fails to meet its obligations or perform according to the provisions of this LOI. If the Purchaser elects to exercise such termination right, the Purchaser shall promptly provide at least sixty days' written notice of termination to the Provider, provided that the LOI shall not terminate if, prior to the expiration of such notice period, the Provider has cured the material adverse change or has met the milestone.
11. **Force Majeure.** If a force majeure event occurs that affects the Provider's performance of its obligations and continues for 180 days or more, then Purchaser may terminate the Agreement upon 30 days' prior written notice to Provider. If at the end of such 30 day period such force majeure event continues, the Agreement shall automatically terminate. Neither Party shall have liability to the other (other than Provider's obligation to remove the Solar Energy Facility and any liabilities that accrued prior to such termination).
12. **Miscellaneous.** The SPSA shall contain other usual and customary provisions for power purchase and sale agreements, including representation and warranties, default, indemnity, limitation of liability and exclusion of consequential damages, invoicing and payment disputes, audit rights, confidentiality, insurance, cooperation, governing law, assignment and other miscellaneous terms.

This Term Sheet sets forth certain key terms and conditions of an SPSA. Should additional key issues arise, it is anticipated that those issues shall be coordinated into a mutually acceptable agreement and incorporated into the Providers SPSA form. No legally binding obligations shall arise and no Party shall be liable for any costs of the other unless and until a final SPSA and related documents have been duly executed and delivered by both parties.

Sincerely,



John P. DeVillars
Managing Principal
BlueWave Capital, LLC.

Agreed and accepted.

Signature: _____

Name: _____

Title: _____

Date: _____

Exhibit A: Critical Project Milestone Schedule (End-dates)

Item	Rooftop	Carport	Groundmount
LOI – Term Sheet Agreed			
Final Agreement Signed (SPSA, Groundlease)		+2 weeks ^A	
File Interconnection Application		+45 days ^A	
File Application for Permits		+90 days ^{A, B, C}	
Notice to Proceed (Begin Construction)	+5 Months ^{A, C}	+ 7 Months ^{A, C}	+ 13 Months ^{A, C}
Commercial Operation Date	+7 Months ^{A, C}	+10 Months ^{A, C}	+ 16 Months ^{A, C}

^A Contingent on execution of LOI and Final SPSA and Groundlease, as specified. ^B BWC commits to submit applications for permits for brownfields within 180 days of LOI execution. ^C Notice to proceed, construction start and commercial operation dates are dependent on receipt of the Interconnection Service Agreement(s), and Permits and Approvals required for the construction and operation of the facility(s).



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Charles A. Simmons
Director of Public Buildings

January 27th, 2016

TO: Board of Selectmen

FROM: Charles A. Simmons *CAS*
Director of Public Buildings

SUBJECT: National Grid Rebate

Recently, the Town received \$3,850 as part of our energy rebate from NStar Electric/Eversource Energy.

I am requesting that this money be placed in the account to be used for energy efficient programs. The account number is 2500SP19 482010.

Thank you for your consideration.

NSTAR ELECTRIC CO DBA EVERSOURCE ENERGY

D. - 2

Bank of America

Higher Standards

0000019524

52-153
112 ME

Date
01/13/16

USD

\$3,850.00

Pay THREE THOUSAND EIGHT HUNDRED FIFTY & 00/100***** US DOLLARS

To The TOWN OF BROOKLINE
Order 333 WASHINGTON ST-BUILDING DEP
Of ATTN: MARK SACCO
BROOKLINE MA 02445

Philip J. Fiala
VICE PRESIDENT & TREASURER

⑈0000019524⑈ ⑆011201539⑆ 002220078350⑈

NSTAR ELECTRIC CO DBA EVERSOURCE ENERGY

0000019524

P.O. BOX 2915, HARTFORD, CT 06104 (860)665-4592

STATEMENT OF REMITTANCE

personnel ID Check No.
0000019524 01/13/16

Date

BROOKLINE 03
Payee
TOWN OF BROOKLINE

Date	Invoice No.	PO/Cntrect Rel	Discount/Wthld	Cur	Payment Amount
12/23/15	NR151343		\$.00	USD	\$3,850.00

MW



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

To: Board of Selectmen

From: Anthony Guigli, Project Manager

Date: 27 January 2016

Re: Fire Stations #5 and #6 Life Safety Improvements
Systems Electrical Services Inc. (SES) Change Order #4

Change Order #4, increase \$505.00, to the contract between the Town of Brookline and SES is for the addition of volume control for the Zetron System in the training room and associated raceway at Fire Station #6. This is a request of the Fire Department.

Thank you for the consideration of the above.

TOWN OF BROOKLINE

333 Washington Street, Brookline, Massachusetts 02146

PURCHASE ORDER INCREASE FORM

INVOICE DATE: 07-Dec-15

TO:	Systems Electrical Services, Inc 5 Wesley Street Chelsea MA 02150
-----	---

Purchase Order Number

21601771

Vendor Number

46634

PAYMENT AMOUNT

\$505.00

BUDGET \$186,624.00
BALANCE \$190,122.00

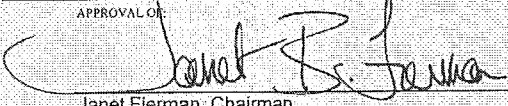
FUND	ORGANIZATION	ACTIVITY	OBJECT
	2518K098		6B0112

FOR: Fire Station #5 and #6 - Life Safety Improvements

Change Order #	Date	AMOUNT
4	11/20/2015	\$505.00
Add volume Control in the Training Room at Station #6		

BUILDING COMMISSION

APPROVAL OF:


 Janet Fierman, Chairman

George Cole

Kenneth Kaplan


 Karen Breslawski


 Nathan E. Peck

BOARD OF SELECTMEN

APPROVAL OF:

Neil A. Wishinsky, Chairman

Nancy A. Daly

Benjamin J. Franco

Bernard W. Greene

Nancy S. Heller



AIA® Document G701™ – 2001

Change Order

PROJECT: <i>(Name and address)</i> Fire Stations #5 and #6 Brookline, MA	CHANGE ORDER NUMBER: 004 DATE: November 19, 2015 ARCHITECT'S PROJECT NUMBER: 408 002 00.00	OWNER <input checked="" type="checkbox"/> ARCHITECT <input checked="" type="checkbox"/> CONTRACTOR <input checked="" type="checkbox"/> FIELD <input type="checkbox"/> OTHER <input type="checkbox"/>
TO CONTRACTOR: <i>(Name and address)</i> Systems Elec. Services Inc 5 Wesley Street Chelsea, MA 02150	CONTRACT DATE: June 3, 2015 CONTRACT FOR: Life Safety Improvements	

The Contract is changed as follows:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)

COP #04 for the addition of one (1) Volume Control in the Training Room and associated Raceway at Fire Station #6.

The original Contract Sum was	\$	186,624.00
The net change by previously authorized Change Orders	\$	4,850.00
The Contract Sum prior to this Change Order was	\$	191,474.00
The Contract Sum will be increased by this Change Order in the amount of	\$	505.00
The new Contract Sum, including this Change Order, will be	\$	191,979.00

The Contract Time will be unchanged by Zero (0) days.

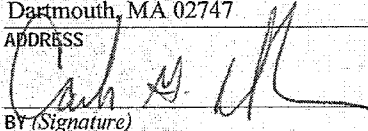
The date of Substantial Completion as of the date of this Change Order, therefore, is

(NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.)

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Garcia, Galuska & DeSousa, Inc.
ARCHITECT *(Firm name)*

370 Faunce Corner Road
Dartmouth, MA 02747
ADDRESS


BY *(Signature)*

Carlos G. DeSousa, P.E.
(Typed name)

November 19, 2015
DATE

Systems Electrical Services, Inc.
CONTRACTOR *(Firm name)*

5 Wesley Street
Chelsea, MA 02150
ADDRESS

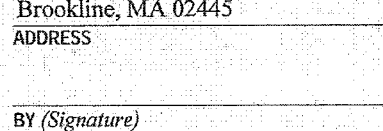

BY *(Signature)*

Jeannette Ramirez
(Typed name)

November 20, 2015
DATE

Town of Brookline
OWNER *(Firm name)*

333 Washington Street
Brookline, MA 02445
ADDRESS


BY *(Signature)*

(Typed name)

DATE

GARCIA • GALUSKA • DESOUSA
Consulting Engineers Inc.

M#49973
J#408 002 00.00

DATE: November 19, 2015

MEMO

TO: Tony Guigli
Town of Brookline

FROM: Carlos G. DeSousa, P.E., Principal



PROJECT: Brookline Fire Stations 5 & 6 – Life Safety Improvements
Brookline, MA

SUBJECT: COP #4 – Add (1) Volume Control in Training Room and Associated Raceway

We have reviewed the Systems Electrical Services Co., Inc. Change Order Proposal #04 in the amount of \$505.00 for the costs associated with the addition of one (1) Volume Control in Training Room and Associated Raceway at the Fire Station #6 location. We find the amount to be fair and reasonable and we recommend your approval.

Please contact our office should you have any questions or concerns.

CGD:ja

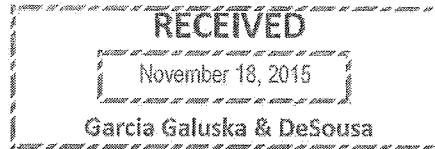
Enc.

Cc: Russ Hoogasian, Town of Brookline



November 16, 2015

Garcia Galuska DeSousa
Consulting Engineers Inc.
370 Faunce Corner Road
N. Dartmouth, MA 02747-1217



Attention: Mr. Carlos Desousa

Reference: Brookline Fire Station - Life Safety
Fire Station #6 - 962 Hammond St. Brookline MA
Proposal Request #3 Dated 11/09/2015

Carlos,

We are in receipt of the following documents for the project referenced above and submit herein our price of **\$505.00** for the add-on requested for the specified electrical work.

CO#04	Add (1) Volume Control in Training Room and associated raceway.	\$505.00
Total		\$505.00

Please find attached a detailed estimate for this work.

If you have any questions or require additional information, please do not hesitate to call.

Very Truly Yours,

System Electrical Services
Ginie Ramirez
Project Manager

Brookline Fire Station #6
 SES JOB # 479.2.6
 Proposal Request #3 Dated 11/09/2015

11/16/15

ITEM	QUAN	UNIT	UNIT PRICE	EXTENDED PRICE	LABOR UNIT	EXTENDED LABOR
Volumne Control	1	EA	\$ 72.48	\$ 72.48	1.25	1.25
4" Sq Box	1	EA	\$ 2.19	\$ 2.19	0.25	0.25
3/4" EMT	10	C	\$ 42.38	\$ 4.24	6.50	0.65
3/4" EMT CONN	2	EA	\$ 0.24	\$ 0.48	0.06	0.12
3/4" EMT COUP	1	EA	\$ 0.30	\$ 0.30	0.03	0.03
16/2 SHD	15	M	\$ 189.00	\$ 2.84	6.00	0.09
Coring/Drilling	1	EA		\$ -	1.00	1.00

MATERIAL	\$ 82.52	TOTAL HRS	3.39
MISC MAT'L	\$ 2.48		
TAX	\$ -		3.39
	\$ -	LABOR RATE	\$ 74.56
SUB TOTAL	\$ 85.00	BURDEN	\$ 24.60
OH & P	\$ 84.23	TOTAL	\$ 336.17
BOND	\$ -		
TOTAL	\$ 505.00		

PROPOSAL
REQUEST

OWNER	<input checked="" type="checkbox"/>
ARCHITECT	<input checked="" type="checkbox"/>
CONSULTANT	<input type="checkbox"/>
CONTRACTOR	<input checked="" type="checkbox"/>
FIELD	<input type="checkbox"/>
OTHER	<input type="checkbox"/>

PROJECT:
(Name and Address)

PROPOSAL REQUEST NO.: 003

Fire Stations 5 & 6 Life Safety Improvements
Brookline, MA

DATE OF ISSUANCE: November 9, 2015

OWNER:
(Name and address)CONTRACT FOR: Fire Stations 5 & 6 Life Safety
ImprovementsTown of Brookline
Town Hall, Third Floor
333 Washington Street
Brookline, MA 02445

ARCHITECT'S PROJECT NO.: 408 002 00.00

TO CONTRACTOR:
(Name and address)ARCHITECT:
(Name and address)Systems Electrical Services, Inc.
5 Wesley Street
Chelsea, MA 02150Garcia, Galuska & DeSousa, Inc.
370 Faunce Corner Road
Dartmouth, MA 02747

Please submit an itemized proposal for changes in the Contract Sum and Contract Time for proposed modifications to the Contract Documents described herein.


THIS IS NOT A CHANGE ORDER, A CONSTRUCTION CHANGE DIRECTIVE OR A DIRECTION TO PROCEED WITH THE WORK DESCRIBED IN THE PROPOSED MODIFICATIONS.

Description:
(Insert a written description of the Work)

Contractor shall provide proposal to provide volume control for the Zetron System located in the Training Room at Fire Station #6.

Attachments:
(List attached documents that support description)

REQUESTED BY:


(Signature)
Carlos G. DeSousa, P.E.
(Printed name and title)



TOWN of BROOKLINE

Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

To: Board of Selectmen

From: Anthony Guigli, Project Manager

Date: 27 January 2016

Re: Renovations and Additions to the Edward Devotion School
Contract Amendment #12 – HMFH Architects, Inc.

Proposed Amendment #12 to the contract between HMFH Architects and the Town of Brookline, in the amount of \$28,600.00, is for additional geotechnical and geoenvironmental engineering services at the Edward Devotion School. The current plan is to construct the proposed Stedman Street wing of the building over the existing material that is below the existing garage, thus simplifying the excavation and shoring needed for this part of the building. If realized, the proposed approach may save time and money. The added geotechnical work was needed to determine the efficacy of this method.

Amendment #12 has been approved by both the Building Commission and School Committee.

Thank you for the consideration of the above.

TOWN OF BROOKLINE

333 Washington Street, Brookline, Massachusetts 02445

PURCHASE ORDER CHANGE FORM

INVOICE DATE: 21-Dec-15

TO:	HMFH Architects, Inc 130 Bishop Allen Drive Cambridge MA 02139
-----	--

Purchase Order Number
20147168Vendor Number
1368PAYMENT AMOUNT
\$28,600.00BUDGET 1,200,000.00
BALANCE 0.00

FUND	ORGANIZATION	ACTIVITY	OBJECT
	2513K119		BB0120
	259K185		1000002

FOR: Devotion School Renovation

Amendment	Date	
12	12/8/2015	Geotechnical - Additional Borings

AMOUNT
\$28,600.00

BUILDING COMMISSION

APPROVAL OF:

Janet Fleeman, Chairman

George Cole

Kenneth Kaplan

Karen Breslawski

Nathan E. Peck

BOARD OF SELECTMEN

APPROVAL OF:

Neil Wishinsky, Chairman

Nancy A. Daly

Benjamin J. Franco

Bernard W. Greene

Nancy S. Heller

SCHOOL COMMITTEE

APPROVAL OF:

Mary Ellen Dunn, Assistant Superintendent For Administration and Finance

Debra Champagne

Keroco P. Stone

Barbara Scott

Brian A. Hoff

902

ATTACHMENT F
CONTRACT FOR DESIGNER SERVICES

AMENDMENT NO. 12

WHEREAS, the parties, the Town of Brookline, Owner, and HMFH Architects, Inc., Designer, hereto did enter into an agreement for Designer Services for the Edward Devotion School Project (HMFH Project No. 401213) on 01-21-2014; and

WHEREAS, effective as of November 3, 2015, the Parties wish to amend the Contract:

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained in this Amendment, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

1. The Owner hereby authorizes the Designer to perform services for the Design Development Phase, the Construction Documents Phase, the Construction Administration Phase, and the Final Completion Phase of the Project, pursuant to the terms and conditions set forth in the Contract, as amended.
2. For the performance of services required under the Contract, as amended, the Designer shall be compensated by the Owner in accordance with the following Fee for Basic and Additional Services:

Article I	After Amendment 11	Amendment 12	After this Amendment
<u>Fee for Basic Services:</u>			
Feasibility Study Phase Approval	\$220,000		\$220,000
Schematic Design Phase Approval	\$1,063,135		\$1,063,135
Design Development Phase Approval	\$1,316,283		\$1,316,283
Construction Document Phase Approval	\$2,447,062		\$2,447,062
Bidding Phase	\$353,710		\$353,710
Construction Phase	\$3,104,309		\$3,104,309
Close Out	\$163,385		\$163,385
Total Fee (Basic Services)	\$8,667,884	\$0	\$8,667,884
<u>Fee for Schematic Design Additional Services:</u>			
Amendment No. 1: Site Survey of Existing Condition, Geotechnical Investigations, Traffic and Parking Study, Hazardous Materials Survey	\$106,865		\$106,865
Amendment No. 2: Supplemental Geotechnical and Geo-environmental Engineering Services.	\$36,300		\$36,300
Amendment No. 3: Soil Gas testing, Supplemental Geo-environmental Engineering Services, and Tree Evaluation Services	\$16,775		\$16,775
Amendment No. 4: Supplemental Geotechnical and Geo-environmental Engineering Services.	\$74,250		\$74,250
Amendment No 5: Pre-Construction Consulting Services	\$16,775		\$16,775
<u>Fee for Design Development Additional Services:</u>			
Amendment No. 7: Geoenvironmental Engineering Services for an Immediate Response Action (IRA) Completion Report	\$6,600		\$6,600
Amendment No. 8: Supplemental Geotechnical Engineering Services for Borings in the Existing Parking Garage	\$14,729		\$14,729
Amendment No. 9: Hazardous Materials Inspection and Sampling Services	\$8,250		\$8,250
Amendment No. 11 - Supplemental Geotechnical and Geoenvironmental Eng. For Borings in the Existing Parking Garage.	\$11,199		\$11,199
Amendment No. 11 - Harvard Street Pedestrian Signal Improvements	\$4,235		\$4,235
Amendment No. 12 - Additional Borings		\$28,600	\$28,600
Total Fee (Additional Services)	\$295,978	\$28,600	\$324,578
Total FEE (Basic & Add'l Services)	\$8,963,862	\$28,600	\$8,992,462

3. Construction Budget shall be as follows:

Original Budget \$ 92,237,854

Amended Budget _____

4. The Project Schedule shall be as follows:

Original Schedule _____

Amended Schedule _____

5. This Amendment contains all of the terms and conditions agreed upon by the Parties as amendments to the original Contract. No other understandings or representations, oral or otherwise, regarding amendments to the original Contract shall be deemed to exist or bind the Parties, and all other terms and conditions of the Contract remain in full force and effect.

The amendment is a result of: Additional services needed from McPhail for Additional Borings.

SIGNATURES

IN WITNESS WHEREOF, the Owner, with the prior approval of the Authority, and the Designer have caused this Contract to be executed by their respective authorized officers.

OWNER

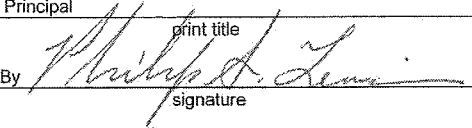
print name

print title
By _____
signature
Date _____

DESIGNER

Philip S. Lewis, AIA

print name
Principal

print title
By 
signature
Date December 16, 2015



December 15, 2015

HMFH Architects, Inc.
130 Bishop Allen Drive
Cambridge, MA 02139

Attention: Mr. Pip Lewis

Reference: Edward Devotion School; Brookline, Massachusetts
Proposal for Supplemental Geotechnical and
Geoenvironmental Engineering Services

Ladies and Gentlemen:

In accordance with our recent discussions, we are pleased to submit our proposal for providing supplemental geotechnical and geoenvironmental engineering services for the Edward Devotion School located in Brookline, Massachusetts.

During previous explorations performed by others within the parking garage of the existing Edward Devotion School, an approximate 8-foot thickness of dense to very dense granular fill was encountered underlying the floor slab and extending to the surface of the natural glacial outwash deposit. As part of the design development for the proposed addition to the Edward Devotion School, it is understood that consideration is being given to constructing new foundations within the footprint of the existing garage on the above-noted dense to very dense granular fill material.

In addition, since the preparation of our Soil Management Plan dated May 6, 2015, the elevations of the lowest level slabs in wings C1 and C2 of the proposed addition have been lowered from Elevation +50 to Elevations +47.9 and +49.7, respectively. This change is anticipated to generate an additional 1,500 of excess excavated soil requiring off-site reuse and/or disposal.

In order to further evaluate the subsurface conditions within the existing parking garage for consideration of this design development option, it is recommended that a subsurface exploration program consisting of four (4) borings be performed within the existing parking garage. The borings would be performed using a track-mounted mounted drill rig and advanced to approximate depths of about 5 to 20 feet below ground surface, or to practical refusal, whichever occurs first. The borings are anticipated to require four (4) days to complete at a cost of \$8,500.

It is also recommended that three (3) samples be collected from the above-noted borings and submitted for laboratory analyses for off-site disposal characterization. The anticipated cost for the laboratory analyses of the three (3) composite samples is \$3,500.



HMFH Architects, Inc.
December 15, 2015
Page 2

Our proposed scope of supplemental geotechnical and geoenvironmental engineering services includes the following:

1. Subcontract with a drilling contractor to perform the borings and clear utilities with Dig-Safe;
2. Provide a field engineer or geologist to lay out the borings in the field, to monitor the explorations, to obtain representative soil samples, to monitor the groundwater levels within the completed borings, to prepare detailed field logs, to make modifications to the subsurface exploration program depending upon actual conditions encountered and to determine the existing ground surface elevation at each exploration utilizing vertical control indicated on the site survey;
3. Prepare and submit a total of three (3) composite samples of the existing fill material from the above-noted borings to a DEP-certified laboratory to be analyzed for the presence of total petroleum hydrocarbons (TPH), volatile organic compounds (VOCs), semivolatile organic compounds (SVOCs), RCRA-8 metals, polychlorinated biphenyls (PCBs), pH, reactivity and flashpoint as required for off-site disposal;
4. Prepare a detailed subsurface exploration plan and boring logs;
5. Prepare an Addendum to the Foundation Engineering Report dated November 6, 2015 which would include the results of the above-noted borings;
6. Prepare an Addendum to the Soil Management Plan dated May 6, 2015, which would include the results of the laboratory analyses of the above-noted composite samples; and
7. Provide additional design assistance services to the Structural Engineer and Architect during the final design phase of the project. Design assistance consists of consultation to address foundation design issues and value engineering items for the proposed addition.

The fee for engineering services would be based on a multiple of 2.5 times salary cost of technical personnel directly attributable to the project plus any direct expenses (e.g. drilling contractor, chemical testing, ~~travel, etc.~~) at cost plus ~~15~~ ¹³ percent. The fee for the scope of geotechnical and geoenvironmental engineering services listed above in Items 1 through 7 is \$26,000, which includes the \$8,500 cost for the drilling contractor and \$3,500 for chemical testing.

The services described herein will be provided in accordance with the terms and conditions presented in our proposals dated December 16, 2013, November 13, 2014, and December 19, 2014 which are incorporated herein by reference.

Should the results of the chemical testing indicate that the excess excavated soil is subject to Massachusetts Department of Environmental Protection (DEP) notification criteria



HMFH Architects, Inc.
December 15, 2015
Page 3

contained in the Massachusetts Contingency Plan 310 CMR 40.0000, additional geoenvironmental engineering services will be required, for which a work scope and estimated fees will be provided. The actual scope and fees for the additional work, if any, will be dependent upon the results of the chemical testing to be undertaken as indicated in the work scope proposed herein.

To authorize us to proceed with the scope of supplemental geotechnical and geoenvironmental engineering services proposed above, please sign and return the enclosed copy of this letter. We appreciate the opportunity to submit this proposal and look forward to being of continued service to HMFH Architects, Inc. on this project.

Very truly yours,

McPHAIL ASSOCIATES, LLC

A handwritten signature in cursive script, appearing to read "Scott S. Dennis".

Scott S. Dennis, P.E.

A handwritten signature in cursive script, appearing to read "Ambrose J. Donovan".

Ambrose J. Donovan, P.E., L.S.P.

HMFH ARCHITECTS, INC.

BY _____

DATE _____

F:\WP5\PROPOSALS\5697 - Edward Devotion School_Garage Borings_121515.docx

SSD/ajd

Patty Parks

From: Tony Guigli
Sent: Wednesday, January 27, 2016 5:02 PM
To: Melissa Goff
Cc: Patty Parks; Dan Bennett; Ken; Ray Masak; Russ Hoogasian; john miller; jonathan; Pip; Dave Geanakakis
Subject: BOS Agenda -Appointment of Edward Devotion School filed sub bidder prequalification committee
Attachments: dcmanual.pdf

Melissa, please add to the agenda of the next available BOS meeting the appointment of the Edward Devotion School Trade Contractor Prequalification Committee (for both early bid package and final bid package). Please see page 130 of the attached manual from the Inspector General's office for direction on the composition of said committee.

The nominees are: Mr. Kenneth Kaplan, Building Commission, Mr. Ray Masak, Building Department (alternate Mr. Russ Hoogasian), Mr. Jonathan Hirst, Senior Project Manager Shawmut Design and Construction and Mr. John Miller, Principal, HMFH Architects.

Thank you.

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.

5. Receive, open and review trade contract bids.
6. The CM at risk firm executes the trade contractor agreement.

Step 1: Establish a trade contractor prequalification committee.

The trade contractor prequalification committee must be comprised of a representative of the designer, a representative of the CM at risk firm and two representatives of your jurisdiction.

Step 2: Prepare and advertise the RFQ for trade contractor services for each trade contract.

M.G.L. c. 149A contains detailed provisions governing the RFQ evaluation criteria, information requirements and point rating system to be used in prequalifying trade contractors. You are required to advertise the RFQ in a newspaper of general circulation in the area in which the building project is located, in the *Central Register* and on COMMBUYS not less than two weeks prior to the deadline for responses to the RFQ. The following information must be included in the trade contractor RFQ and the public notice of the RFQ:

- the date, time and place for submission of responses to the RFQ;
- relevant information about the project and the bidding process;⁷⁸
- the specific criteria for trade contractor prequalification and selection;⁷⁹
- a statement indicating that the RFQ will be used to prequalify trade contractors that will be invited to submit bids on subtrade work; and
- a statement indicating that the responders' names are to be posted but that the responses will not be opened publicly. M.G.L. c. 149A, § 8(c).

M.G.L. c. 149A, § 8(c).

⁷⁸ We recommend that you include the estimated value of the subcontract because, as will be discussed, trade contractors responding to the RFQ are required to submit a commitment letter for performance and payment bonds in the amount of 110 percent of the estimated trade contract value.

⁷⁹ If space considerations make it difficult to include this information in the public notice, we recommend that you reference this information instead. However, essential information such as the submission requirements and project description should be included in the public notice as well as the RFQ.



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel F. Bennett
Building Commissioner

Memorandum
11 January 2016

To: Board of Selectmen
School Committee
Building Commission
From: Anthony Guigli, OPM
Re: Edward Devotion School Renovations and Additions – Proprietary Items

After careful consultation with the design team and town staff, the following is a list of items proposed to be proprietary for inclusion in the referenced project. All of them are recommended so as to be consistent with materials or systems currently in use in the Town of Brookline. Inclusion of them as proprietary is in the public interest for ease and cost of maintenance, operations and/or replacement. You are asked to vote the following proprietary items:

Door Hardware:

Mortise Locksets – Schlage
Cylindrical Locksets – Arrow
Closures – LCN
Exit Devices – Von Duprin
Cylinder Cores – Medeco small format IC Mark 4 System

Speakers

Valcom IP

Fire Alarm

Fire Alarm Panel – Notifier
Radio Master Box – SigCom DTX Series

Security

Keycard System – AMAG Technologies
Door Entry Intercom System – Aiphone

Civil/Site

Water Valve Boxes – East Jordan Iron Works model 8555 Slip Type 2 Piece Valve Box Set: 36B Bottom, 26T Top with shifting flange, black coated water cover New England Standard.

Manhole Frame – East Jordan Iron Works model 2248Z Frame LA248-5.

Manhole Cover – East Jordan Iron Works model 2248C Cover Town of Brookline standard.

Frame – East Jordan Iron Works model 7278Z Type C Frame

Catch Basin Grate – East Jordan Iron Works model 7278M2 Grate L27DG3 STD

Catch Basin cascade frames and grates – East Jordan Iron Works 24x24x8 HVY FR Cascade L GR 8”

Pre-formed Reflectorized Thermo Plastic Traffic Markings – PreMark with ViziGrip by Ennis-Flint

Stamped Colorized Brick Pattern – TrafficPatternsXD, offset brick pattern, brick red color by Ennis Flint

Tape Inlay – 3M “Stamark” 380I ES (inlay) by 3M

Cc: File



TOWN of BROOKLINE
Massachusetts

BUILDING DEPARTMENT

Daniel Bennett
Building Commissioner

TO: Board of Selectmen

FROM: Ray Masak, PE Project Manager

SUBJECT: Municipal Service Center

DATE: January 28, 2016

On the Calendar this week, the Building Department has submitted a request for the approval of an amendment to the architect's contract for the subject project in the amount of \$14,750.

The Municipal Service Center project was approved by Town Meeting and a total of \$2,825,000 (FY 13, 14, 16) was appropriated for this project. This project has been designed by HKT Architects and construction has commenced is expected to be completed next July.

The amendment consists of two (2) items:

- The DPW requested modifications to the layout of the shops (expansion of the muster room). The cost to review these modifications was \$2560.
- The Building Department is requesting additional oversight regarding the repair of the structural slab. Based on the complexity of the demolition effort to date and the products being used to ultimately repair the slab, it was felt that an increased presence (site visits) of the consulting structural engineer was required. The cost of these additional services is \$12,010.

The Building Department will be available on Tuesday evening to answer any questions. Thank you for your consideration.

TOWN OF BROOKLINE
333 Washington Street, Brookline, Massachusetts 02146

PURCHASE ORDER INCREASE FORM

DATE: 11-Jan-16

TO: HKT Architects, Inc
35 Medford Street
Somerville MA 02143

Purchase Order Number
20145629Vendor Number
47662PAYMENT AMOUNT
\$14,570.00BUDGET
BALANCE \$259,000.00

FUND	ORGANIZATION	ACTIVITY	OBJECT
	2504C173		600002
	45116K10		630114

FOR: Municipal Service Center Renovation

AMOUNT
\$14,570.00

Change Order #	Date	Additional Professional Services
1	01/07/2016	

BUILDING COMMISSION
APPROVAL OF:

Janet Fierman, Chairman

George Cole

Kenneth Kaplan

Karen Breslawski

Nathan E. Peck

BOARD OF SELECTMEN
APPROVAL OF:

Neil A. Wishinsky, Chairman

Nancy A. Daly

Benjamin J. Franco

Bernard W. Greene

Nancy S. Heller



William R. Hammer
W. Eric Kluz
Janet M. Slemenda

January 7, 2016

Brookline Building Commission
Brookline Town Hall, Third Floor
333 Washington Street
Brookline, MA 02445

Attn: Ray Masak, Assistant
Project Administrator

Re: MSC Additional Services

Dear Ray:

The following is our proposal for additional site visits to be performed by the Pare Corporation as summarized in the attached:

Pare Corporation	\$9,500.00
HKT Architects Inc.	<u>\$2,510.00</u>
Total	\$12,010.00

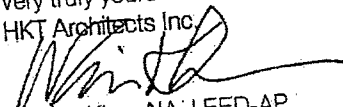
The following is our proposal for additional services in regard to the reconfiguration of the Vehicle Bay floor and associated shops.

HKT Architects Inc.	\$2,560.00
---------------------	------------

We request that you issue the appropriate amendment at your earliest convenience. If you have any questions please do not hesitate to contact our office.

Thank you.

Very truly yours
HKT Architects Inc.


W. Eric Kluz, AIA, LEED-AP
Principal

Amendment No. 1 Total - HKT
\$14,570 OK 2016



9 December 2015

Raymond Masak
Project Manager
Town of Brookline
333 Washington St
Brookline, MA 02445

Re: Brookline MSC Renovations – Extra Services – Change of layout at shops
Project No: 21313

Dear Ray,

Per your request HKT is providing you with an invoice for Additional Services for modifications to the layout of the shops.

The scope breakdown is as follows:

1. Research for code ramifications.
2. Coordination with the engineers and the Town to negate structural and MEP modifications.
3. Preparation of Proposal Request documentation including narrative, sketches, coordination with the design team and any additional information required to allow the GC to provide an accurate cost proposal.

This work took a total of 24 hours, consisting of 16 hours for the PM and 8 hours for the Designer. The Designer's time will be counted towards education. Thus the total costs for this 16 hour effort will be \$2,560.

Very truly yours,
HKT Architects Inc.

A handwritten signature in black ink, appearing to read "W. Eric Kluz", with a long horizontal line extending to the right.

W. Eric Kluz, AIA, LEED-AP
Principal

cc: File

file: I:\HKT Projects\21313 Brookline DPW\Administration\Contract + Budget\Additional Services\Brookline DPW addl serv - 2015-12-01 design change.doc

Renovations to the Municipal Services Center
Town of Brookline
Request for Additional Services
7-Jan-15

Information Administration Services

Item 1 - Additional Construction Administration Services

Pare Corporation to provide eight (8) additional construction site visits and consultation in accordance with the attached proposal dated 12/18/2015. HKT to provide supplementary support services, coordination and follow up in conjunction with the additional consultation, site visit and reports as summarized below.

Additional To Date		Hours	Rate	Total
HKT Architects Inc.				
W. Eric Kluz	0.25	\$200.00	\$50.00	
Amy Blake-Baldwin	2.00	\$160.00	\$320.00	
Staci Villa	0.00	\$145.00	\$0.00	
Structural Engineering				
PARE Corporation				
Subtotals	2.25		\$370.00	

Additional To Complete			Total
Hours	Rate		
2.00	\$200.00		\$400.00
0.00	\$160.00		\$0.00
12.00	\$145.00		\$1,740.00
1.00	\$9,500.00		\$9,500.00
15.00			\$12,640.00

Subtotals	
Expenses and Vehicle Storage	

Item 2 - Additional Design: Prepare revised plans layouts as requested by the Town of Brookline.

Additional To Date		
Hours	Rate	Total
Revised Floor Plans		
W. Eric Kluz	0.00	\$200.00
Amy Blake-Baldwin	16.00	\$160.00
Staci Villa	8.00	\$145.00
Subtotals	24.00	\$2,560.00
TOTALS		\$2,930.00

[illegible]



AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT

To: Mr. Erik Kluz
(Architect's Representative)

Amendment Number: 5
Pare Project #: 13131.00

In accordance with the Agreement dated: February 14, 2014

between the Architect: HKT Architects, Inc.

and the Consultant: Pare Corporation

for the Project: Professional Engineering Services
Town of Brookline
Municipal Service Center Renovations
Brookline, MA

Authorization is requested

- ☒ to proceed with Additional Services or a Change in Services
☐ to incur Additional Reimbursable Expenses

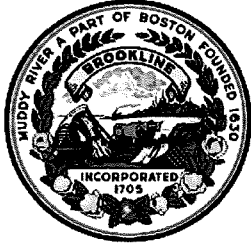
As Follows:

Provide additional construction administration services as follows.

- Up to an additional eight construction site visits:
 - Two visits during elevated slab concrete removal.
 - Two visits during elevated slab patch material installation.
 - One visit during installation of the waterproofing membrane.
 - One visit prior to placement of the wearing slab.
 - One visit after erection of the wash bay superstructure.
 - One punch-list visit.
- Additional consultation related to these visits.
- Attendance of up to four construction meetings at the project site. Meeting dates are assumed to not coincide with site visit dates and therefore are in addition to the eight visits listed above.

The following adjustments shall be made to compensation and time.

Original Contract Amount.....	\$ 33,200.00 (Structural SD thru CA & Site SD only)
Prior Amendments.....	\$ 37,800.00
Contract Amendment No. 5.....	\$ 9,500.00
Total Revised Contract Amount	\$ 80,500.00



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Andrew M. Pappastergion
 Commissioner

January 27, 2016

Board of Selectmen
 Town Hall
 Brookline, MA 02445

Dear Board Members:

The Department of Public Works has completed a review of expenditures for the Fiscal Year 2016 Snow and Ice Control Budget and determined that a Reserve Fund Transfer is necessary to cover existing budget shortfalls. At the present time there are deficits of approximately \$24,000 in Snow Overtime, \$32,000 in Snow and Ice Supplies primarily for motor vehicle parts, tires and plow parts and \$34,000 in repairs to town owned fences as a result of last winter's damage. This would require a total transfer of \$90,000 to cover existing deficits and would not cover the cost of any future storms during the balance of the winter.

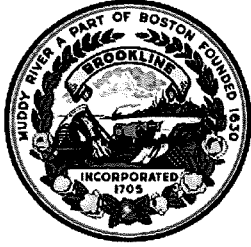
The Board of Selectmen could elect, as it has in the past, to invoke Massachusetts General Law Chapter 44, section 31D in lieu of a Reserve Fund Transfer. This would allow the Department of Public Works to expend funds in excess of the FY 2016 budget appropriation for Snow and Ice Control. Should the Board vote this option, Public Works would be in a better position to review all budget accounts at year-end and attempt to cover portions of the total deficit through transfers from any accounts with surplus funds. Any remaining deficit could then be covered by a Reserve Fund Transfer or passed on to the 2017 tax rate as the Board chooses. Your consideration of this matter is respectfully requested.

Sincerely,

Andrew M. Pappastergion
 Andrew M. Pappastergion
 Commissioner of Public Works

Cc: Melvin Kleckner, Town Administrator
 Sean Lynn-Jones, Advisory Committee





TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Andrew M. Pappastergion
Commissioner

January 27, 2016

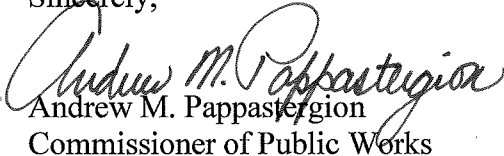
Board of Selectmen
Town Hall
Brookline, MA 02445

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Sincerely,


Andrew M. Pappastergion
Commissioner of Public Works


Cc: Melvin Kleckner, Town Administrator
Sean Lynn-Jones, Advisory Committee





OFFICE OF SELECTMEN
MEMORANDUM
DRAFT

TO: Board of Selectmen

FROM: Melvin A. Kleckner, Town Administrator 

SUBJECT: Update on Town Administrator's Task Force on PAYT and Authorization to Acquire Automated Solid Waste Collection Equipment

DATE: January 29, 2016

As you know, I have convened a task force to assist me in making specific recommendations on the implementation of a Pay as You Throw (PAYT) system of solid waste collection. My task force, comprised of Stanley Spiegel, John Dempsey, Dennis Doughty, Richard Grant, Susan Granoff and Andrew Pappastergion are hard at work and I expect to be able to make a recommendation on a detailed program of implementation within a few weeks. Meanwhile, the Town has made substantial commitments on the automation of the solid waste collection operation. Automation will have the effect of reducing labor and other costs at considerable savings (see memo from the Public Works Commissioner attached). These savings were a key component of the Override Study Committee's recommendations which the Board adopted last year as part of the Tax Override plan that was ultimately approved by the voters in April. Town Meeting has also appropriated funds to acquire this automated equipment.

Automation of the solid waste collection operation involves the use of traditional load packers fitted with a mechanical system to lift and tip trash containers that can be activated by a single operator. As a result, the Town must convert its current system of allowing any and all trash receptacles (including loose plastic bags) to one that requires a consistent "bin" type of receptacle. This is consistent with the model of a modified PAYT system that has been advanced by each study committee and the Department of Public Works. The focus of my task force is to determine whether this "bin" must be uniform in size and how many bins will be allowed per household (and its implications on the annual

solid waste fee). With regard to automation, the size and number of receptacles allowed per household is immaterial as long as they are consistent in shape and construction.

The DPW Commissioner has been reluctant to acquire this equipment without a formal commitment on this aspect of PAYT. This is a concern given the long lead time required to manufacture and deliver the equipment in time to implement PAYT after Labor Day in 2016. As a result, I have consulted with my Task Force and have placed this matter on your Calendar for a discussion and vote. The Task Force unanimously agrees that automation is a high priority and will not be inconsistent with the variety of options on bin size or other factors currently under consideration. Therefore, I recommend the Board take the following vote on Tuesday evening;

MOVED: To authorize the Commissioner of Public Works to procure two 32 cubic yard rubbish packers with automated side loader equipment and to enter into a three-year lease purchase program as funded in the Sanitation program's capital outlay account within the Department of Public Works' FY 2016 Budget.

Thank you for your consideration.

cc: Andrew Pappastergion, Commissioner of Public Works



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Andrew M. Pappastergion
Commissioner

June 5, 2015

Board of Selectmen
Town Hall
Brookline, MA 02445

Dear Board Members:

Since the release of the Final Report of the Moderator's Committee on Waste Disposal in May 2013, the Department of Public Works has been investigating the conversion of the Town's solid waste collection system to a "Hybrid Pay-As-You-Throw" program utilizing the semi-automated collection of wheeled carts similar to the current single stream recycling program. The major recommendations of this Committee were as follows:

1. Implement an automated collection system using 64 gallon wheeled carts at the end of the current disposal contract in FY2015;
2. Provide for occasional extra waste disposal using pre-paid plastic trash bags that would be available at local merchants;
3. Maintain the current yard waste and bulky item collection programs.

The current in-house curbside collection program for municipal solid waste requires fifteen (15) employees, 5-31 cubic yard rubbish packers and 1-16 cubic yard alley packer. The total cost to provide this service in FY15 was \$892,000 and inflated annually over 10 years, with the replacement of a vehicle every third year, would total \$9.7 million.

In April 2014, the Department received bids for the curbside collection and disposal of solid waste. Bidders were asked to provide costs for both manual and automated collection, hauling and off-site disposal. A ten year analysis on curbside collection, using the Town's current fully loaded costs as a base, indicated that private manual collection (current system) would cost an additional \$1.1 million over 10 years and private automated collection would only save \$750,000 over the same period. Based on these bid results, the Department recommended that the Board award a 6-year contract, for the hauling and disposal of solid waste only, to Casella Waste Systems for an annual savings of about \$200,000. In addition, the Department was able to bring back in-house the curbside collection of metals for additional contract savings of \$87,000 per year. Further analysis indicated that the Town could implement a new in-house semi-automated collection system using wheeled carts at curbside and save \$2.2 million over the same 10 year period as compared to the current in-house manual system.



Proposed In-House Semi-Automated Collection

At the present time, the Town collects municipal solid waste from 13,200 households which is about 54% of the total households town-wide. The remainder are collected by private haulers. The proposed semi-automated collection system would utilize 2-32 cubic yard sideloader rubbish packers, 1-32 cubic yard rear loader rubbish packer for collecting in alleyways and 1-16 cubic yard rubbish packer for collecting in narrow alleyways. The current sanitation fleet includes a new rear loader and an alley packer so that the proposed system would only require the purchase of the two sideloaders. The new collection system would collect rubbish based on the existing routing and scheduling and coincide with the collection of single stream recycling and yard waste (in season). Because the side loader trucks only require one person to operate, the economic benefit to this system is that once fully operational, the sanitation roster would be reduced from 15 positions to 12 positions with the elimination of three laborer positions.

Automated collection requires the use of wheeled carts in order to work efficiently. The current bid price for 64 gallon carts is \$44.36 for a total cost of \$585,552 and for 35 gallon carts is \$36.41 for a total cost of \$480,612. While the Moderator's Committee recommended the use of 64 gallon carts (with a minority recommending 35 gallon carts), the Department strongly believes that in order to increase the Town's recycling rate an effort has to be made to reduce the amount of solid waste generated. Current data indicates that prior to the implementation of single stream recycling in FY2011, the recycling rate was 30.7%. That rate increased to 36.9% with single stream but has remained flat since FY2012. Additional incentives have also been made available from MassDEP in the form of a state grant for the purchase of 35 gallon toters totalling \$15 per cart up to a maximum of \$200,000. Use of this grant would reduce the cost of the smaller toters to \$282,612 for a savings of over \$300,000.

Hybrid Pay-As-You-Throw (PAYT) System

Brookline's current sanitation regulations allow for the unlimited disposal of household rubbish which is collected at curbside by the Sanitation Division. A shift to any system using a single wheeled cart regardless of the size, would require some additional means to dispose of overflow rubbish during times when a single container was not adequate. Current data has indicated that the average Brookline household disposes of 26.5 pounds of trash per week. A 35 gallon cart will, on average, hold about 40 pounds of trash. The generally accepted method in use today for handling "overflow" trash is a 30 gallon heavy duty plastic bag that would be manufactured with unique Brookline identification and marketed locally at a fair cost. These bags are rated for 25 pounds. Residents could purchase a roll of overflow bags (generally 5 bags per roll) for \$10.00 for use during those times when the cart is not large enough. While the use of the bags may be widespread at the beginning of the program, it is expected that in time, the use of overflow bags will decrease as residents are able to adjust their disposal habits and increase their recycling. This system is referred to as a "hybrid" because of the use of both the cart and the bags. According to MassDEP data, only 29 municipalities in Massachusetts have adopted this system of trash collection and only one community utilizes the smaller cart.



Board of Selectmen – Page 3

One downside to this system, or any PAYT system, could potentially be an increase in illegal dumping of trash either in public areas or in private containers. Most communities that have adopted these systems have reported that illegal dumping was not a major concern and generally was very short termed at the beginning. However, the Department expects that with the rollout of this system, pro-active enforcement of illegal dumping will be included

Funding and Timelines

Because of the potential impact that adoption of this system would create, it is suggested that a series of public hearings be held to obtain input from those affected the most. However, should the Board eventually decide to adopt a Hybrid PAYT system, the timeline and funding could be as follows:

- Purchase 5,490 carts using \$200,000 in surplus FY2015 disposal funds and lease purchase 2,272 carts over a 4 year period at \$21,000 annually beginning in FY2015;
- Purchase 5,438 carts in FY2016 using MassDEP grant funds of \$198,000;
- Lease purchase 2-32 cubic yard rear loader packers for \$186,942 annually over 3 years beginning in FY2016;
- Distribute carts during FY2016 and market overflow bags for sale;
- Implement automated collection in FY2017.

The Department of Public Works looks forward to presenting this proposal to the Board of Selectmen and acknowledges that this will be the beginning of a dialogue that will include the Solid Waste Advisory Committee and the public over the future of solid waste collection in the Town. We firmly believe that automated collection will provide for efficient and cost effective services by DPW staff and that the use of 35 gallon carts will encourage the reduction of municipal solid waste and the maximization of recycling.

Sincerely,

Andrew M. Pappastergion
Commissioner of Public Works

Cc: Melvin Kleckner, Town Administrator



Patty Parks

From: John Rosa
Sent: Wednesday, January 27, 2016 8:27 AM
To: Melvin Kleckner; Joslin Murphy; Daniel OLeary; Paul D. Ford; Alan Balsam; Joe Connelly; Lisa Paradis; Andrew Pappastergion; Patty Parks; Polly Selkoe; Marissa Barrett; Virginia Bullock; Tom Brady; Erin Gallentine; Todd Kirrane; Dan Bennett
Subject: FW: 1180 Boylston Street--Proposed 40B Development
Attachments: 1180_201601121022.pdf

Good Morning,

As a reminder, details of the proposed mixed-use development at 1180 Boylston Street will be discussed at the Tuesday, February 2nd Board of Selectmen Hearing. The developer will present preliminary plans with a public comment period following. We anticipate that we will finalize the Board of Selectmen's response to the developer's application for site eligibility by February 9th. Please provide any comments as soon as possible and you are welcome to comment at the hearing on Tuesday.

An electronic version of the site eligibility application to MassHousing and preliminary plans are available on the Town website at: <http://www.brooklinema.gov/1294/1180-Boylston-St-40B>

Thank you, Please direct any questions to:
 Polly Selkoe, Assistant Director for Regulatory Planning
pselkoe@brooklinema.gov
 617.730.2126

From: Alison Steinfeld
Sent: Tuesday, January 12, 2016 10:24 AM
To: Melvin Kleckner; Joslin Murphy; Daniel OLeary; Paul D. Ford; Alan Balsam; Joe Connelly; Lisa Paradis; Andrew Pappastergion; Patty Parks; Polly Selkoe; Marissa Barrett; Virginia Bullock; Tom Brady; Erin Gallentine; Todd Kirrane; Dan Bennett
Cc: Polly Selkoe
Subject: 1180 Boylston Street--Proposed 40B Development

Hi, All—

Per the attached letter from the Massachusetts Housing Finance Agency (MassHousing), Chestnut Hill Investments (Raj Dhanda) has submitted a Site Approval Application to MassHousing to develop a six story mixed-use project under MGL 40B at 1180 Boylston Street (the former gas station at the corner of Hammond and Route 9). The applicant is seeking a determination of Project Eligibility from MassHousing to construct:

- 45 age-restricted (55+) rental apartments (including 9 subsidized)
- About 7,000 square feet of ground floor retail
- Two stories of underground parking

MassHousing has scheduled a site visit with the applicant, which Local Boards (including Town officials) may attend for January 21st at 10 am. Further, the Town has been provided 30 days to inform MassHousing of any issues that have been and/or are anticipated to be raised. Obviously, departments, boards and commissions will have another (more expansive) opportunity to comment on the proposal assuming the project receives a determination of eligibility and submits to the ZBA.



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

Tel: 617.854.1000 | Fax: 617.854.1091
Vp: 866.758.1435 | www.masshousing.com

January 8, 2016

VIA CERTIFIED MAIL

Betsey Dewitt, Chairman
Brookline Board of Selectmen
333 Washington Street, 6th Floor
Brookline, MA 02445

Re: ELEVEN80
MH ID No. 808

Dear Ms. Dewitt:

The Massachusetts Housing Finance Agency (MassHousing) is currently reviewing an application for Site Approval submitted by Chestnut Hill Investments, LLC (the "Applicant"). The proposed development will consist of 45 age-restricted rental apartments (9 affordable units) on an approximately 14,626 square foot site at 1180 Boylston Street in Brookline.

The site approval process is offered to project sponsors who intend to apply for a comprehensive permit under Chapter 40B. MassHousing's review involves an evaluation of the site, the design concept, the financial feasibility of the proposal, and the appropriateness of the proposal in relation to local housing needs and strategies. As part of our review, we are soliciting comments from the local community and we would appreciate your input. You also may wish to include in your response, issues or concerns raised by other town boards, officials or other interested parties. Pursuant to the Massachusetts General Laws Chapter 40B regulations (760 CMR 56.00) your comments may include information regarding municipal actions previously taken to meet affordable housing needs such as inclusionary zoning, multifamily districts adopted under G.L. c.40A and overlay districts adopted under G.L. c.40R. Your comments will be considered as part of our review.

We have been informed by Chestnut Hill Investments, LLC that the Town has received a copy of the application and plans for ELEVEN80. Please inform us of any issues that have been raised or are anticipated in the Town's review of this application. We request that you submit your comments to this office within 30 days so we may process this application in a timely manner.

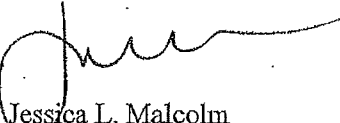
During the course of its review, MassHousing will conduct a site visit, which Local Boards, as defined in 760 CMR 56.02, may attend. The site visit for ELEVEN80 has been scheduled for January 21st at 10 a.m. Please notify me promptly if any representatives of your office or if other Local Boards plan to attend the scheduled site visit.

Please note that if and when an application is submitted for a comprehensive permit, assistance is available to the Brookline Zoning Board of Appeals (ZBA) to review the permit application. The Massachusetts Housing Partnership's (MHP) *Ch. 40B Technical Assistance Program* administers grants to municipalities for up to \$10,000 to engage qualified third-party consultants to work with the Brookline ZBA in reviewing the Chapter 40B proposal. For more information about MHP's technical assistance grant visit MHP's web site, www.mhp.net/40B or e-mail MHP at communityinfo@mhp.net. Also available at MHP's web site are the "Local 40B Review and Decision Guidelines" that were released in November 2005 to provide guidance to local officials as they review comprehensive permit applications. The Chapter 40B regulations and accompanying guidelines issued by DHCD, however, take legal precedence over the MHP guidelines.

If you have any questions, please do not hesitate to telephone me at (617) 854-1201.

Thank you for your assistance.

Sincerely,



Jessica L. Malcolm
40B Specialist
Comprehensive Permit Program

cc: Melvin Kleckner, Town Administrator
Alison Steinfeld, Planning Director

